

IN RE: PETITION FOR RESIDENTIAL VARIANCE\* BEFORE THE  
N/S Yakona Road, 280' E of  
Lackawanna Avenue  
(1868 Yakona Road)  
9th Election District  
6th Councilmanic District  
Stephen S. Hambrook, et ux  
Petitioners  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 91-105-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an existing open deck with a rear yard setback of 14.3 feet in lieu of the minimum required 37.5 feet in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of October, 1990 that the Petition for Residential Variance to permit an existing open deck with a rear yard setback of 14.3 feet in lieu of the minimum required 37.5 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

October 30, 1990



Dennis F. Rasmussen  
County Executive

Mr. & Mrs. Stephen S. Hambrook  
1868 Yakona Road  
Baltimore, Maryland 21234

RE: PETITION FOR RESIDENTIAL VARIANCE  
N/S Yakona Road, 280' E of Lackawanna Avenue  
(1868 Yakona Road)  
9th Election District - 6th Councilmanic District  
Stephen S. Hambrook, et ux - Petitioners  
Case No. 91-105-A

Dear Mr. & Mrs. Hambrook:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: People's Counsel

File

## PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

91-105-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

C.1, 301.1 To allow an open projection (rear deck) with a rear yard setback of

14 ft., 3 in. in lieu of the required 37 1/2 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (Indicate hardship or practical difficulty)

✓ The old porch was rotted & children could go through the rails they were not close enough together.  
✓ For the safety of my children and to cover the cement sidewalk  
✓ So my children would not be able to fall down cement sidewalk steps

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

Address

City/State/Zip Code

Signature

Address

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

Phone

ORDERED by the Zoning Commissioner of Baltimore County, this 14th day of Sept, 19 90, that the subject matter of this petition be posted on the property on or before the 30th day of Oct, 19 90.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED,

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this        day of       , 19       , that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the        day of       , 19       , at        o'clock,       .

ORDER RECEIVED FOR FILING

By 10/30/90

By 10/30/90

ZONING COMMISSIONER OF BALTIMORE COUNTY

## AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-105-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do/does presently or upon settlement will reside at 1868 Yakona Road Parkville, Maryland, 21234  
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)  
WE WOULD LIKE TO REMOVE AN OLD WOODEN DECK THAT IS IN BAD NEED OF REPAIR. THERE ARE STAIRS LEADING DOWN TO AN EXISTING CEMENT PATIO 10' X 18' 4". BECAUSE IT IS A WOODEN DECK COVERING THE EXISTING CEMENT PATIO, THIS DECK MUST BE REMOVED FOR THE SAFETY OF MY CHILDREN. MY EXPECTED BABY IS TWO MONTHS OLD. WE WILL NOT BE CHANGING FOUNDATIONS BUT COVERING AN EXISTING CEMENT PATIO. THIS CHANGE WILL BE AN IMPROVEMENT TO THE PROPERTY AS WELL AS A SAFE HAVEN FOR THE CHILDREN. THIS DECK WILL HAVE A TRAP DOOR THAT CAN ONLY BE OPENED FROM THE CELLAR WAY STEPS AS AN ADDED PRECAUTION FOR THE CHILDREN.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

*Karen J. Hambrook*  
AFFIANT (Handwritten Signature)

*Karen J. Hambrook*  
AFFIANT (Printed Name)

*Stephen S. Hambrook*  
AFFIANT (Handwritten Signature)

*Stephen S. Hambrook*  
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14th day of September, 19 90, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

*Karen J. Hambrook* & *Stephen S. Hambrook*

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and make oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

*Sept 5, 1990*  
DATE

*Charles J. Ruff*  
NOTARY PUBLIC

My Commission Expires: 4/1/94

Zoning Description  
Beginning at a point on the north side of Yakona Road at the distance of 280 feet east of Lackawanna Road being Lot #35 in the subdivision of Ridgely AS on record in Baltimore County Plat Book #116 Folio #21 containing .052 acres in lot also known as 1868 Yakona Road, and located in the 9th District,

Karen J. Hambrook  
1868 Yakona Road

Stephen S. Hambrook

91-105-A

## CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

91-105-A

District 9th Date of Posting 9/28/90  
Posted for: Variance  
Petitioner: Stephen S. Hambrook et ux  
Location of property: N/S Yakona Rd., 280' E of Lackawanna Rd.  
1868 Yakona Rd.  
Location of Sign: Being Yakona Rd., approx. 25' from road way  
on property of Petitioner  
Remarks: See property of Petitioner  
Posted by: [Signature] Date of return: 10/3/90  
Number of Signs: 1

Baltimore County  
Zoning Commissioner  
County Office Building  
731 West Chesapeake Avenue  
Towson, Maryland 21204

receipt  
N: 3416

Date 9/14/90 H9100110  
PUBLIC HEARING FEES QTY PRICE  
010 -ZONING VARIANCE (IRL) 1 X \$35.00  
080 -POSTING SIGNS / ADVERTISING 1 X \$25.00  
TOTAL: \$60.00  
LAST NAME OF OWNER: HAMBROOK

04404#0105MCHRC \$60.00  
BA C012:19PM09-14-90

Cashier Validation:

Please make checks payable to: Baltimore County

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

September 21, 1990

Mr. & Mrs. Stephen S. Hambrook  
1868 Yakona Road  
Parkville, Maryland 21234

Re: CASE NUMBER: 91-105-A  
ITEM NUMBER: 310  
LOCATION: N/S Yakona Road, 280' E of Lackawanna Avenue  
1868 Yakona Road

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before October 3, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is October 18, 1990. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 20 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your order to be held and incur a \$50.00 charge. Please be advised that the order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

*G. G. Stephens*  
G. G. Stephens  
(301) 887-3391



Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

October 10, 1990

Mr. & Mrs. Stephen S. Hambrook  
1868 Yakona Road  
Parkville, MD 21274

Dennis F. Rasmussen  
County Executive

RE: Item No. 110, Case No. 91-105-A  
Petitioner: Stephen S. Hambrook, et ux  
Petition for Residential Variance

Dear Mr. & Mrs. Hambrook:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

Dennis F. Rasmussen  
County Executive

Your petition has been received and accepted for filing this  
14th day of September, 1990.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:

*James E. Dyer*  
Chairman  
Zoning Plans Advisory Committee

Petitioner: Stephen S. Hambrook

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

DATE: October 2, 1990

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Karen J. Hambrook, Item No. 110

The Petitioner requests a Variance to allow an open projection with a rear yard setback of 14 ft. in lieu of the required 37.5 ft.

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM110/2AC1

RECEIVED

10/4/90

Baltimore County  
Fire Department  
700 East Joppa Road, Suite 901  
Towson, Maryland 21204-5500  
(301) 887-4500  
Paul H. Reincke  
Chief

OCTOBER 9, 1990

Dennis F. Rasmussen  
County Executive

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: STEPHEN S. HAMBROOK

Location: #1868 YAKONA ROAD

Item No.: #110 Zoning Agenda: OCTOBER 2, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Capt. Jack Kelly* 12-442 Noted and Approved *Captain F. Brach*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

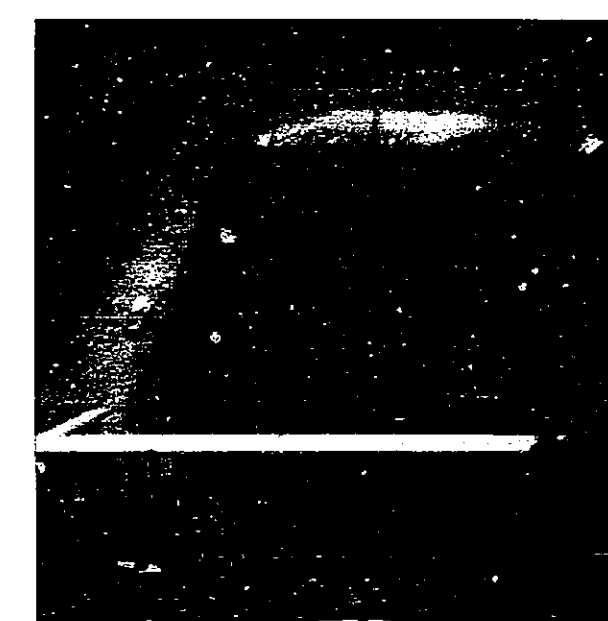
JK/KEK

PETITIONER'S EXHIBIT #

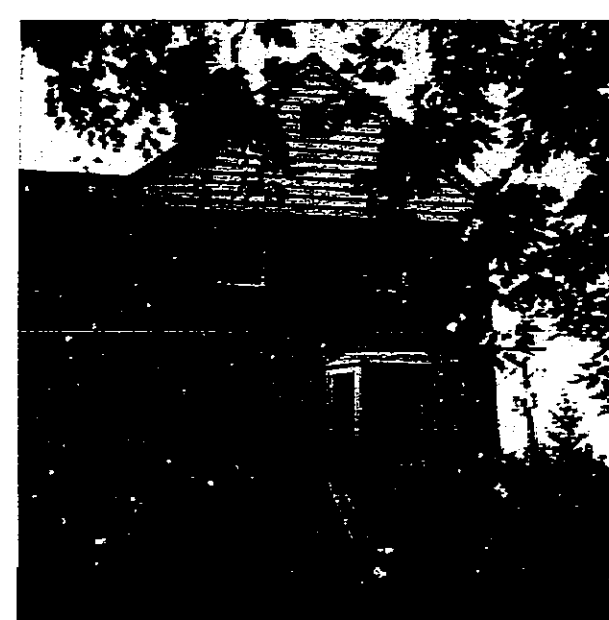
CASE NUMBER: 91-105-A



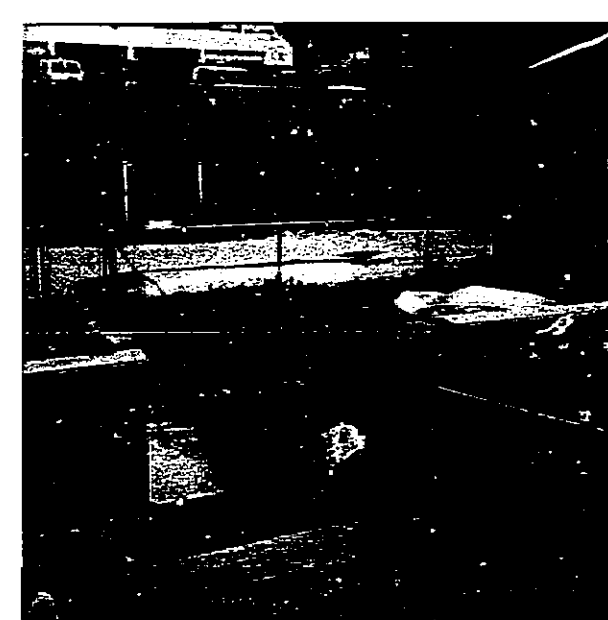
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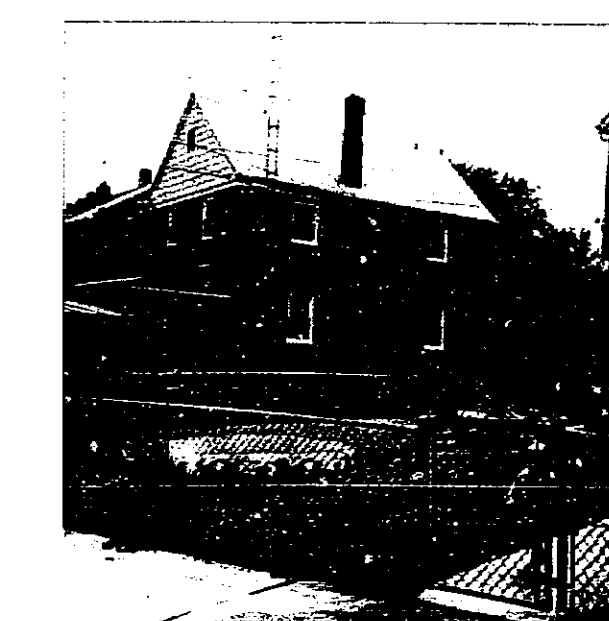
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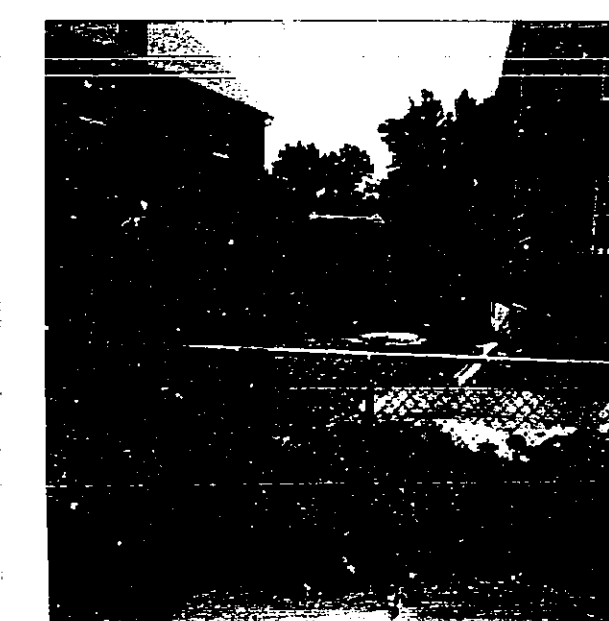
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PETITIONER'S EXHIBIT #

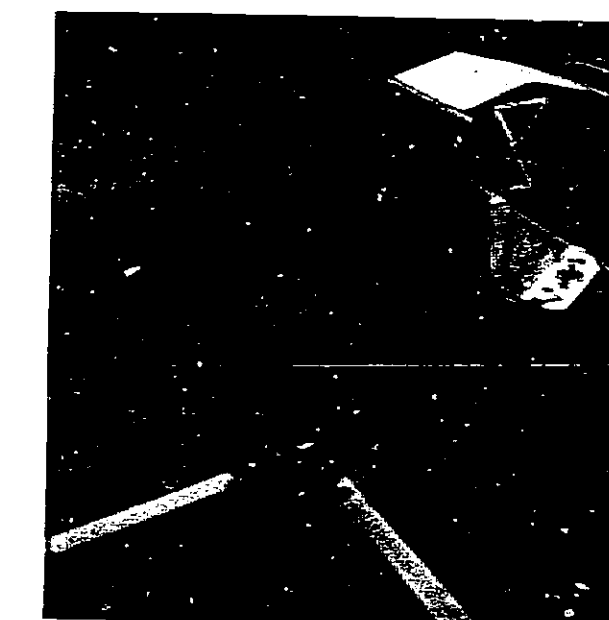
CASE NUMBER: 91-105-A



110



110



110



110

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE  
September 28, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT OF ZONING  
FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES  
SUBJECT: ZONING ITEM #: 110  
PROPERTY OWNER: Stephen S. Hambrook, et ux  
LOCATION: N/S Yakona Road, 280' E Lackawanna Avenue  
(1868 Yakona Road)  
ELECTION DISTRICT: 9th  
COUNCILMANIC DISTRICT:

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- ( ) PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- ( ) PARKING LOCATION ( ) RAMP (degree slope)
- ( ) NUMBER PARKING SPACES ( ) CURB CUTS
- ( ) BUILDING ACCESS ( ) SIGNAGE
- ( ) PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- (X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
- ( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- ( ) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).
- (X) OTHER - See code memo #1 for materials of construction when more than 4" from property line but less than 3'-0"

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

PETITION FOR EXTERIOR IMPROVEMENTS

This is to certify that the new existing deck (10' X 19') on Yakona Road #1868 located in Baltimore County (Parkville) MD was constructed for safety as well as a driveway improvements. These improvements do not interfere in any shape or form with the residents and businesses within the surrounding neighborhood.

NAME	ADDRESS/BUSINESS	DATE
1. <i>Charles E. Burnham</i>	1868 Yakona Rd	9/5/90
2. <i>Charles E. Burnham</i>	1868 Yakona Rd	9/3/90
3. <i>Charles E. Burnham</i>	1868 Yakona Rd	9/3/90
4. <i>Charles E. Burnham</i>	1868 Yakona Rd	9/3/90
5. <i>Charles E. Burnham</i>	1868 Yakona Rd	9/3/90
6. <i>Charles E. Burnham</i>	1868 Yakona Rd	9-3-90
7. <i>Charles E. Burnham</i>	1868 Yakona Rd	9-3-90
8. <i>Charles E. Burnham</i>	1868 Yakona Rd	9/3/90
9. <i>Charles E. Burnham</i>	1868 Yakona Rd	9/3/90
10. <i>Charles E. Burnham</i>	1868 Yakona Rd	9/3/90
11. <i>Charles E. Burnham</i>	1868 Yakona Rd	9/3/90
12. <i>Charles E. Burnham</i>	1868 Yakona Rd	9-3-90
13. <i>Charles E. Burnham</i>	1868 Yakona Rd	9-3-90



